

Department of Housing

Notification

2/17/2015-HSG

Whereas certain draft rules which the Government of Goa proposes to make were published in the Official Gazette, Series I No. 37, dated 10-12-2015, as required by sub-section (1) of section 128 of the Goa Housing Board Act, 1968 (Act No. 12 of 1968) (hereinafter referred to as the "said Act"), under Notification No. 2/17/2015-HSG dated 04-12-2015 of the Joint Secretary (Housing), inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of 15 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 10th December, 2015;

And whereas objections/suggestions received from the public on the said draft rules within the said period of 15 days have been considered by the Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 128 read with section 58 of the Goa Housing Board Act, 1968 (Act No. 12 of 1968), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Goa Housing Board (Registration, Allotment and Sale of Tenements) Rules, 2016.

(2) They shall apply to sale of tenements situated in the area comprised in housing/ building scheme sanctioned under the said Act.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Housing Board Act, 1968 (Act No. 12 of 1968);

(b) "administrative charges" means any such charges fixed and collected by the Board for specific purpose;

(c) "allotment committee" means allotment committee stated in rule 11;

(d) "allottee" means a person to whom a tenement has been allotted;

(e) "applicant" means a person who applies in Form II for the allotment of tenement either online or in such other manner as specified by the Board;

(f) "auction" means a public sale of tenement in which eligible applicants bid against each other until a highest consideration is reached;

(g) "Board" means the Goa Housing Board established under section 3 of the Act;

(h) "consideration" means the sale price of a tenement fixed by the Board from time to time;

(i) "Conveyance Deed" means a deed of sale executed between the Board and the allottee by which tenement alongwith proportionate share of undivided land is transferred to the allottee on such terms and conditions as specified by the Board;

(j) "e-application Form" means a computer programme version of a paper Application Form II filled electronically and submitted online;

(k) "ex-servicemen" means a person who is registered as such and issued with the Ex-serviceman Identity Card by the Department of Sainik Welfare, Government of Goa;

(l) "family" means the applicant and if married, the spouse and dependent children of the applicant;

(m) “family income” means total annual income of the family, derived from all sources during preceding financial year on the date of application;

(n) “family income level group” means group of the population classified according to their level of family income, such as, Economically Weaker Sections, Low Income Group, Middle Income Group and Higher Income Group, by the Board with the approval of the Government;

(o) “Form” means a form appended to these rules;

(p) “Freedom Fighter” means a person who has been registered as such by the Home Department, Government of Goa;

(q) “Government” means the Government of Goa;

(r) “Income Certificate” means certificate of income issued by the Competent Authority;

(s) “initial deposit” means deposit of an initial amount as specified by the Board;

(t) “lot” means an activity by which numbers are drawn with the help of a machine or by electronic method or by any other method, to determine the winning number;

(u) “Other Backward Classes” are those communities, excluding creamy layer, which have been so notified by the Government from time to time and as certified by the Competent Authority;

(v) “Para-Military Forces” means a person who is serving or has served in the Border Security Force (BSF), Central Reserve Police Force (CRPF), Central Industrial Security Force (CISF), Indo Tibetan Border Police (ITBP), Assam Rifles, etc. and includes widow of those personnel who have killed in action, on production of a certificate from Defence or similar authorities;

(w) “Payment Gateway” means an internet transaction facility that allows the Board to

accept credit/debit card or any other electronic mode of payment of the applicant;

(x) “Person with disability” means a person suffering from not less than forty per cent of any of the following disability as certified by the Goa Medical College and includes:-

(i) blindness or low vision;

(ii) hearing impairment;

(iii) locomotor disability or cerebral palsy including all cases of orthopaedically handicapped persons;

(y) “penalty” means a fine imposed by the Board upon the allottee for violating any law, rule or terms and conditions of allotment;

(z) “Registered Housing Society” means a society formed under rule 18 of these Rules;

(aa) “Sale” means sale of a tenement on outright basis;

(ab) “Scheduled Castes” are those classes which have been notified as such under the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968; and as certified by the Competent Authority;

(ac) “Scheduled Tribes” are those classes which have been notified as such under the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968; and as certified by the Competent Authority;

(ad) “Scheme” means housing/building scheme sanctioned under the said Act, comprising tenements built by the Board in the area vested in the Board;

(ae) “service charge” means charges in respect of common services;

(af) “tenement” means a residential house/flat/apartment/bungalow including commercial spaces such as shop, office, etc. built by the Board in a housing/building scheme.

3. *Disposal of tenements.*— The disposal of tenements shall be on sale (either by open auction or a lot) or by any such manner as specified by the Board from time to time, with prior approval of the Government.

4. *Fixation of tenement price.*— The Board shall fix the consideration of a tenement payable by the allottee, including the minimum price per square meter for auction, from time to time. Such consideration shall be final and binding on the allottee.

5. *Funding of scheme.*— The Board may, from time to time, determine source of funds for implementation of scheme, depending upon the cost of the scheme. This may be generated by way of sale of tenement or by obtaining housing loan from HUDCO (Housing and Urban Development Corporation of India)/Government Enterprises/Banks or any other financial institutions, as the case may be.

6. *Conditions of eligibility.*— (1) The applicant must have been born in the State of Goa and shall be a resident of State of Goa for the last fifteen years; and one of his/her parents should be born in the State of Goa and also a resident of State of Goa for the last twenty five years.

(2) The applicant and his/her family should not own a tenement or a plot of the Board anywhere in the State of Goa and an affidavit to this effect shall be produced in Form I hereto.

(3) The applicant shall fill in only one e-application Form either in his/her own name or in the name of any other member of his/her family and shall apply only in one category to which he/she may belong, namely, either as a member of the general category or in any of the reserved categories specified in these rules:

Provided that reserved category may also apply against general category, if so desired:

Provided further that he/she shall not be eligible for allotment of two tenements, if successful in both the categories.

In case, there are no applications from any particular reserved category, the quota earmarked for such category shall be added to the general category.

(4) The applicant should have attained the age of 18 years at the time of making an application.

7. *Classification of tenements.*— The Board shall fix the family income level in respect of the following group of population and decide number of tenements to be allotted to each of such group, with the prior approval of the Government:—

- (a) Economically Weaker Section (EWS);
- (b) Low Income Group (LIG);
- (c) Middle Income Group (MIG);
- (d) Higher Income Group (HIG);

8. *The reservation of tenements to be disposed by outright sale under lot.*— The reservation of tenements to be disposed by outright sale under lot for the persons belonging to following categories shall be as under:—

- | | |
|---|------|
| (a) Scheduled Castes | — 1% |
| (b) Scheduled Tribes | — 2% |
| (c) Other Backward Classes | — 5% |
| (d) Freedom Fighters | — 1% |
| (e) Ex-Servicemen including personnel of Para Military Forces, if any | — 2% |
| (f) Persons with disabilities | — 1% |

9. *Notice of registration.*— (1) The Board shall issue an advertisement in the form of a notice on its website and at least in two local newspapers inviting e-applications for sale of tenements, as per the procedure specified therein, by such date which shall not be less than 15 days from the date of issue of the advertisement.

(2) The notice shall consist of all the details such as last date to apply, tenement details, initial deposit, reservations, website, etc.

10. *Submission of application for registration.*— (1) The applicant shall apply online in

Form II hereto in pursuance of notice issued under rule 9 and make payment of non-refundable registration fees fixed by the Board from time to time, as administrative charges.

(2) In addition to above registration fees, initial deposit as specified by the Board shall be made alongwith the application form.

(3) Only those applicants who have been qualified from the 1st draw for the allotment of tenement shall submit the self-attested copies of the mandatory documents including original Affidavit indicated in Form I to the Board before the date of scrutiny for allotment of tenement under lot, failing which, his/her application shall be liable for rejection and 15% of initial deposit shall be forfeited to the Board and the balance amount shall be refunded to the applicant without any interest.

(4) If the applicant applies for auction category, the applicant shall submit the self-attested copies of the mandatory documents including original Affidavit indicated in Form I to the Board before the date of scrutiny to participate in auction proceedings, failing which, his/her application shall be liable for rejection and 15% initial deposit shall be forfeited to the Board and the balance amount shall be refunded to the applicant without any interest.

(5) The Board shall carry out transactions through payment gateway only.

(6) Incomplete applications submitted by the applicants shall be summarily rejected.

(7) No withdrawal of application shall be allowed once it is uploaded on the website. If an applicant withdraws from the scheme after depositing the initial deposit, 5% of the deposit shall be forfeited to the Board and the balance amount shall be refunded to the applicant without any interest only after the scheme is closed.

11. *The Allotment Committee.*— The Board shall form Allotment Committee consisting of following:

- | | |
|--|-----------------------|
| (a) Chairman of the Board or his nominee | Chairman |
| (b) The Collector of the concerned District or his nominee not below the rank of Deputy Collector..... | Member |
| (c) Managing Director of the Board or in his absence Housing Engineer of the Board..... | Member |
| (d) Chief Accounts Officer/Assistant Accounts Officer..... | Member-
-Secretary |

(2) The Allotment Committee may co-opt any one member from the Board/Government official not below the rank of Section Officer.

12. *Allotment of tenement on outright sale under lot.*— (1) Every online application shall be generated with a computerized serial number.

(2) Online draw shall be held within 10 days after the expiry of the last date of online registration.

(3) All applications received from the reserved category, shall be kept separate, categorywise. Where, there are no applications from any reserved category, the quota earmarked for such category shall be added to the general category.

(4) A draw shall be held of the eligible registered applicants of the respective categories separately, for the allotment of tenements including equal number of applicants to be kept as “Wait List” to cover the possibility of applications in the “Main List” being rejected on scrutiny.

(5) A separate list in a sequential manner of draw, category wise (Reserved and General) of the successful applicants shall be prepared and displayed on the website/notice Board.

(6) The Allotment Committee shall scrutinize the applications in a sequential manner as shown in the displayed list and the final eligibility list shall be prepared and displayed.

If any applicant is found to be ineligible, he/ /she shall be liable for rejection and 15% initial deposit shall be forfeited to the Board and the balance amount shall be refunded to the applicant without any interest.

(7) The final eligibility list of the General and Reserved Category shall be merged and a single eligibility list shall be displayed.

(8) An online draw for the allotment of tenements shall be held on the day and time fixed.

(9) The final allotment list indicating serial number of application form and the tenements number shall be displayed on the website/ /notice board.

(10) On display of final allotment list, initial deposit of the applicants who did not get the tenement, shall be refunded within 10 working days. The decision of the Managing Director of the Board in the matter of allotment of the tenement shall be final and binding on the allottees and no appeal thereon shall be entertained.

(11) The tenement offered shall be on as is where is basis and the allottee shall not have any right to complain or raise any objection about nature, condition or planning, etc., or to claim any damage or compensation on any account from the Board.

13. Conditions of payments of consideration.—

(1) The order of allotment of tenement shall be issued to the allottee in Form III hereto as per the final allotment list.

(2) The allottee shall convey his/her acceptance of order of allotment of tenement in Form IV hereto within three working days, to the Board.

(3) The allottee shall pay the full consideration of the tenement allotted within a period of 45 days of receipt of the order of allotment failing which the order of allotment of tenement shall stand cancelled without any

further notice and the entire initial deposit of the applicant shall be forfeited to the Board:

Provided that before the expiry of the said period, if an application is made to the Board for extension by stating reasons for non-payment, the Board may extend the said period by 25 days for payment of full consideration subject to payment of penal interest of 10% on the entire amount and may further extend by another 25 days by charging 15% penal interest on entire amount. No further extension shall be granted beyond 95 days and the tenement shall revert to the Board forfeiting the entire initial deposit without further reference to the applicant and no appeal shall be entertained thereon.

(4) In case the applicant effects only part payment of the consideration within the extended period then the allotted tenement shall be reverted to the Board thereby forfeiting the entire initial deposit in favour of the Board and the part payment made shall be refunded to the applicant without any interest and no appeal thereon shall be entertained.

(5) A sale letter shall be issued in Form V hereto only on full payment of consideration and the physical possession of the tenement shall be handed over to the allottee.

(6) The scheme may be declared closed by the Managing Director of the Board as soon as the entire allotment process is over.

14. Allotment of tenement on outright sale under auction.— (1) Every online application shall be generated with a computerized serial number.

(2) The Allotment Committee shall scrutinize all the applications within 20 days after the expiry of the last date for submission of online application and the list of the applicants who are eligible to participate in the auction shall be displayed. If any applicant is found to be ineligible, his application shall be liable for rejection and 15% initial deposit shall be forfeited to the Board and the balance amount

shall be refunded to the applicant without any interest.

(3) Auction shall be held amongst eligible applicants in the presence of Managing Director of the Board at the place, date and time mentioned in the notice of advertisement on website and the plan showing tenement number, area, etc. shall be displayed at the place of auction.

(4) The applicants shall sit according to their registration number at the venue during the auction.

(5) The particular bidder shall increase the bid price per sq. mt. as specified by the Board from time to time.

(6) There shall be at least 2 applicant bidders present for the auction proceedings for each tenement, failing which, the bidding shall defer.

(7) The Managing Director of the Board may postpone/cancel/defer the auction proceedings of any particular tenement/tenements, as the case may be, at any time without assigning reasons thereof.

(8) The decision of the Managing Director of the Board in the matter of allotment of tenement by auction to the highest bidder shall be final and binding on the allottees and no appeal thereon shall be entertained.

(9) The tenement offered shall be on as is where is basis and the allottee shall not have any right to complain or raise any objection about nature, condition or planning, etc., or to claim any damage or compensation on any account from the Board.

15. *Conditions for payments of auction consideration.*— (1) The highest bidder shall be declared as successful and order of allotment shall be issued in Form III hereto to the successful bidder of a tenement. The allottee shall pay the full consideration of the tenement allotted within a period of 25 days of receipt of

the order of allotment failing which order shall stand cancelled without any further notice and the entire initial deposit of the applicant shall be forfeited to the Board. No part payments shall be accepted.

(2) The allottee shall convey his/her acceptance of order of allotment of tenement in Form IV hereto within three working days, to the Board.

(3) A sale letter shall be issued in Form V hereto only on full payment of consideration and the physical possession of the tenement shall be handed over to the allottee.

(4) The scheme may be declared closed by the Managing Director as soon as the entire allotment process is over.

16. *Execution of Conveyance Deed of tenement.*— (1) On payment of full consideration of the tenement, the allottee shall apply to the Board for execution of Conveyance Deed towards transfer of tenement within the period of 60 days from the date of taking over possession, failing which, a penalty shall be imposed as specified by the Board from time to time.

(2) The Board shall execute a Conveyance Deed after inspecting the tenement and the allottee shall get it registered with the concerned Sub-Registrar. The stamp duty and registration charges shall be borne by the allottee.

17. *Penalty for misrepresentation, suppression of facts or for contravention of any of the provisions of these rules or terms and conditions of allotment.*— If it is found at any stage that the applicant has given false information or has suppressed any material facts or has contravened any of the provisions of these rules or terms and conditions of allotment, the application shall be rejected or the allotment of tenement, if already made, shall stand cancelled without prejudice to the right of the Board to take any other action under the law in force.

18. *Formation of Housing Society.*— (1) The allottee shall form a society under the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) for the proper maintenance, running, up keeping and keeping in good repair common areas and for carrying out current as well as urgent repairs towards common services.

(2) The Society shall produce a certified copy of the registration to the Board.

(3) The Society and each of its constituent members shall be responsible for ensuring that:—

(a) No damage or deterioration to the property handed over in terms of agreement under these rules is caused;

(b) No installation or equipment connected with, as provided as part of water supply, sewerage, storm water drainage, electricity or other service shall be tampered with;

(c) No obstruction to common areas shall be carried or misuse of the property shall be made such as:—

(i) occupying common passage, staircase, approaches and like;

(ii) throwing garbage or refuse within the precincts of the property or outside it;

(iii) keeping a vehicle so as to obstruct the free movement; and

(iv) creating insanitary or nuisance.

19. *Other conditions.*— (1) The power to amend any of the provisions of these rules shall vest with the Government.

(2) The Board may impose any terms and conditions not specifically covered under these rules as may be decided in this behalf from time to time, with the approval of the Government.

(3) Every allottee shall deposit an amount with the Board specified from time to time towards maintenance fund till such time the society is formed. The balance amount, if any, shall be transferred to the Society on its formation.

(4) The allottee/society shall have the proportionate share of the undivided land of the respective scheme/project subject to condition that there shall not be any objection for carrying out any development by the Board on the balance area of the sector as per the permissible FAR as and when required and also the allottee shall not cause any obstruction to an official duly authorized by the Board, in discharging his/her duties in connection with the matter arising out of the management of the property.

Note: To be executed before a Competent Magistrate on a non-judicial stamp paper as per denomination prescribed in the Indian Stamp Act and submitted in original.

FORM-I

AFFIDAVIT

[See rule 6(2)]

I, Shri/Smt./Kum.
 Son/Wife/Daughter of
 r/o, age
, do hereby solemnly affirm and state
 as under:—

(1) That I have applied for allotment of a tenement at from the Goa Housing Board under General/Reserved Category of

(2) That neither myself nor any other member of my family own a residential plot of land or tenement of the Housing Board anywhere in the State of Goa as on date.

(3) I have satisfied myself that I fulfil the conditions laid down in Goa Housing Board Act, 1968 (Act No. 12 of 1968) and the rules framed thereunder and the terms and conditions stipulated in the scheme formulated by the Board in this regard.

(4) I have read the provisions mentioned in (3) above and agree to abide by the same.

I further affirm that what is stated hereinbefore is true to my own knowledge and belief and I know that to make a false affidavit is an offence.

Deponent

VERIFICATION:

Verified at, this the day of, that the content in this affidavit is true and correct to the best of my knowledge and belief. No part of this affidavit is wrong and nothing material has been concealed therefrom.

Deponent

FORM – II

Form of application for registration of tenement

[See rule (10)1]

Affix latest
passport size
photograph
here

1. Applicant's full name:

First Name Middle Name Surname

2. Father's/Husband's name:

First Name Middle Name Surname

3.(a) Permanent Address:.....

Pin Code

(b) Present Address for correspondence:

Pin Code

(c) Locality to which application relates:

(d) Phone No. (Res.) Mobile No. E-Mail if any

(e) Bank Details:

Name of the Bank and Branch

Account Number IFSC MICR

4. Period of residency of the applicant in the State of Goa:

5. Period of residency of the Parent:

(Residence certificate from the competent authority of the applicant and his/her Parents)

6. Date of Birth (Birth certificate to be attached):

7. AADHAR (UID) No. if any 8. PAN No:

9. Occupation:

(a) Name of the Establishment/office with address.....

(b) Present pay including allowances.....

(c) Family annual income of the applicant for the preceding financial year (Certificate from the competent authority alongwith supporting documents required under rules to be enclosed)

(d) Details of family (Name, Relation with applicant, occupation and income) to be attached, separately.

10. Category for which applied (whether Reserved or General, if reserved certificate in proof to be enclosed from the competent authority)
11. Income group to which the applicant belongs:
12. Amount of deposit:—
 (a) Rs. paid through (Credit/Debit card, RTGS, NEFT etc.) dated

I solemnly affirm and state that:—

(a) I have satisfied myself that I fulfil the conditions laid down in the Goa Housing Board Act, 1968 (Act No. 12 of 1968) and the rules framed there under and the terms and conditions stipulated in the scheme formulated by the Board in this regard and agree to abide the same.

(b) The statements made above are true to the best of my knowledge and belief.

(c) (i) I hereby give an Undertaking that I agree to abide to the procedure of drawal of online lot for selecting the eligible applicant for the allotment of tenement and I shall submit self-attested copies of the mandatory documents including the original Affidavit indicated in Form I to the Board before the date of scrutiny for allotment of tenement under lot, failing which, my application shall be liable for rejection and 15% of initial deposit shall be forfeited to the Board and the balance amount to be refunded without any interest.

(ii) I hereby give an Undertaking that I agree to abide to the procedure of auction and shall submit self-attested copies of the mandatory documents before the date of scrutiny to participate in auction proceedings, failing which, my application shall be liable for rejection and 15% of initial deposit shall be forfeited to the Board and the balance amount to be refunded without any interest.

Dated:

(Applicant's signature)

 GOA HOUSING BOARD
 Porvorim, Bardez-Goa.

REGISTERED A. D.

NO.GHB/ADM/ /20.....

Dated : / /

 FORM-III

ORDER OF ALLOTMENT

[See rules 13(I) and 15(I)]

In pursuance of rule 13(I) and 15(I) of the Goa Housing Board (Registration, Allotment and Sale of Tenements) Rules, 2016, Shri/Smt./Kum. is hereby allotted Tenement No. with built up area admeasuring sq.mts. at under draw/auction category.

Shri/Smt./Kum. shall convey his/her acceptance in Form IV within 3 working days to the Board and should remit the full consideration of the tenement within 45/25 days as per the calculation sheet appended hereto, on receipt of this order, failing which, the Order of Allotment shall stand cancelled without any further notice and the entire initial deposit of the applicant shall be forfeited to the Board.

.....
 Managing Director

To,

.....

Copy to:

FORM IV

Intimation of acceptance of order of allotment

[See rules 13(2) and 15(2)]

.....
.....
.....

Dated:

To,
The Managing Director,
Goa Housing Board,
Alto-Betim, Porvorim-Goa.

Sir/Madam,

With reference to your order of allotment No. dated received on (copy enclosed), I, hereby convey my acceptance to the Tenement No. at unequivocally and without any complaint on my part in respect of the said tenement, after verifying the dimension of the tenement and its area on as is where is basis and agree to make the payment of full consideration of the tenement within stipulated period.

I also agree to abide by the Goa Housing Board Act, 1968 (Act No. 12 of 1968) and the rules framed thereunder and the terms and conditions stipulated in the scheme formulated by the Board in this regard.

Yours faithfully,

()

FORM V

SALE LETTER

[See rules 13(5) and 15(3)]

No.
Goa Housing Board,
Government of Goa,
Alto-Betim, Porvorim-Goa.
Dated:

To
.....
.....
.....

Sir/Madam,

I am to state that Tenement No. admeasuring sq. mts. situated at,
..... Taluka, District of has been allotted to you for total consideration of

Rs. (Rupees only). The Provisional/Final NOC has been issued by Village Panchayat/Municipal Council/Corporation vide No. dated

The Boundaries of the Tenement No. are shown as follows:—

To the East:

To the West:

To the North:

To the South:

The Tenement No. described above is constructed in a portion of larger property situated at under Survey No. acquired under the Land Acquisition Act, Award No. dated

The allottee shall adhere and comply with all the terms and conditions as per the Goa Housing Board Act, 1968 (Act No. 12 of 1968) and the rules framed thereunder and the scheme formulated by the Board.

The allotment of tenement is subject to the following conditions:

(1) On payment of full consideration of the tenement, the allottee shall apply to the Board for execution of Conveyance Deed towards transfer of tenement within the period of 60 days from the date of taking over possession, failing which, a penalty shall be imposed as specified by the Board from time to time.

(2) The allottee shall get the Conveyance Deed registered with the concerned Sub-Registrar. The Stamp duty and registration charges shall be borne by the allottee.

(3) The allottee/society shall have undivided proportionate right of the area subject to conditions that he/she shall not object for carrying out any development by the Board on the balance area of the sector as per the permissible FAR as and when required.

(4) Allottee shall not cause any obstruction to an official duly authorized by the Board so as to create difficulties in the discharge of his/her duties in connection with the matter rising out of the management of the property.

(5) If it is found at any stage that the applicant has given false information or has suppressed any material facts or has committed breach or contravened any of the provisions of these rules or terms and conditions of allotment, the application shall be rejected or the allotment of tenement, if already made, stands cancelled without prejudice to the right of the Board to take any other action under the law in force.

(6) On breach of above conditions, penalty @ 5% on the total consideration of tenement shall be levied on such allottee.

By order and in the name of the Governor of Goa.

Sabaji P. Shetye, Joint Secretary (Housing).

Porvorim, 22nd January, 2016.